

**Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**STATE ORIGIN
AIR QUALITY PERMIT**

Permittee Name: Cemex, Incorporated
Mailing Address: 1711 Destiny Lane, Suite 103 Bowling Green, Kentucky
42104

is authorized to operate a limestone crushing operation

Source Name: Cemex, Inc. – Hartford Quarry
Mailing Address: Same as above
Source Location: 9352 Highway 69 North East, Hartford, Kentucky 42347

KYEIS ID #: 077-3080-0019
AFS ID #: 21-183-00019
SIC Code: 1422

Region: Evansville - Henderson
County: Ohio

Permit Number: S-99-022 (Revision 2)
Log Number: 53657
Permit Type: Operating

Issuance Date: March 12, 1999
Revision Date: July 26, 2001
Expiration Date: March 12, 2004

**John E. Hornback, Director
Division for Air Quality**

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application, which was determined to be complete on July 17, 2001, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

- | | | |
|-----------|-------------|--|
| 01 | (01) | Primary Crusher (Hewitt Robins 30"x48")
(Maximum Rated Capacity- 750 tons/hour) |
| | (03) | Tertiary Crushers (3)
(1- Symons 4 1/4' Standard, 2- 4' Symons Cones)
(Maximum Rated Capacity- 500 tons/hour) |
| | (04) | Fines Crusher (41"x36" Universal)
(Maximum Rated Capacity- 250 tons/hour) |
| | (05) | Convey and Handle |
| | (06) | Stockpiles |
| | (05) | Double Deck Screen (Seco 4-6'x14')
(Maximum Rated Capacity- 750 tons/hour) |
| | (-) | Truck Dump |
| | (-) | Truck Loadout |
| 02 | (08) | Convey and Handle |
| 03 | (07) | Haul Road and Yard Area (Unpaved) |
| 04 | (10) | Rerun Hopper |
| 07 | (9) | Pug Mill |
| | (-) | Truck Loadout |

ADDITIONS TO THE PLANT

- | | | |
|-----------|------------|--|
| 10 | (-) | Storage Bin |
| | (-) | Sand Screw (Wet Process - No Emissions) |
| | (-) | Conveyor and Transfer Points (Wet Process - No Emissions) |
| | (-) | Stockpile |

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

1. Applicable Regulations:

State Regulation 401 KAR 63:010, Fugitive emissions, applies to each of the affected facilities listed above.

Applicable Requirements:

The materials processed at each affected facility listed above shall be controlled with either wet suppression and/or enclosures so as to comply with the requirements specified in State Regulation 401 KAR 63:010, Fugitive emissions, Section 3. Standards for fugitive emissions.

Compliance Demonstration Method:

See Section C, General Condition F.2.

2. Operating Limitations:

N/A

3. Emission Limitations:

N/A

4. Testing Requirements:

N/A

5. Monitoring Requirements:

See Section C, General Condition F.2.

6. Recordkeeping Requirements:

See Section C, General Conditions B.1., B.2., and F.2.

7. Reporting Requirements:

See Section C, General Conditions C.1, C.2, C.3., and F.3.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- 05 (-) Conveyor and Transfer Points (Internal)
- (08) Triple Deck Screen (Simplicity 4'x42')
 (Maximum Rated Capacity- 100 tons/hour)
- 06 (-) Reclaim Conveyor and Transfer Points
- (-) Conveyor and Transfer Points (Internal)
- 08 (-) Secondary Crusher (Nordberg 4 1/4' Cone)
 (Maximum Rated Capacity- 650 tons/hour)

ADDITIONS TO THE PLANT

- 09 (-) Conveyor and Transfer Points (Internal - To Storage Bin)
- (-) Conveyor and Transfer Points (Internal - To Sand Screw)

1. Applicable Regulations:

State Regulation 401 KAR 59:310, New nonmetallic mineral processing plants (40 CFR 60, Subpart OOO as modified by Section 2 of 401 KAR 59:310), applies to each of the affected facilities listed above.

Applicable Requirements:

- a) Fugitive emissions from the secondary crusher, emission point 08 (-), shall not exhibit greater than fifteen percent (15%) opacity, each, as specified in State Regulation 401 KAR 59:310 (40 CFR 60.672(c)).
- b) Fugitive emissions from the five conveyor and transfer points, emission points 05 (-), 06 (-), and 09 (-) and the screen, emission point 05 (08), shall not exhibit greater than ten percent (10%) opacity, each, as specified in State Regulation 401 KAR 59:310 (40 CFR 60.672(b)).

Compliance Demonstration Method:

In determining compliance with the opacity standards as listed above, the owner or operator shall use Method 9 and the procedures as described in 40 CFR 60.11 and 40 CFR 60.675(c).

2. Operating Limitations:

N/A

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. Emission Limitations :

N/A

4. Testing Requirements:

N/A

5. Monitoring Requirements:

See Section C, General Condition F.2.

6. Recordkeeping Requirements:

See Section C, General Conditions B.1., B.2., and F.2.

7. Reporting Requirements:

See Section C, General Conditions C.1., C.2., C.3., and F.3.

SECTION C - GENERAL CONDITIONS

A. Administrative Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be (a) violation(s) of State Regulation 401 KAR 50:035, Permits, Section 7 and is grounds for an enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue, March 12, 1999. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 50:035 Section 12]
3. Any condition or portion of this permit, which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035 Section 7(3)(k)]
4. The permit contained herein may be revised, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance shall not stay any permit condition. [401 KAR 50:035 Section 7(3)(f)]
5. The permit does not convey property rights or exclusive privileges. [401 KAR 50:035 Section 7(3)(g)]
6. The permit shall be subject to suspension at any time the permittee fails to pay all fees within 90 days after notification as specified in State Regulation 401 KAR 50:038, Air emissions fee. [401 KAR 50:035 Section 9(3)(h)]
7. Nothing in this permit shall alter or affect the authority of the U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035 Section 8(3)(a)]
8. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035 Section 8(3)(b)]
9. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035 Section 7(2)(b)5]
10. State- Origin Operating Permit S-99-022 (Revised), dated April 26, 2000 is hereby null and void.

SECTION C - GENERAL CONDITIONS (CONTINUED)

B. Recordkeeping Requirements

1. All records and support information required by State Regulation 401 KAR 50:035, Permits, shall be retained at the source authorized by this permit for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
2. The permittee shall perform compliance certification and record keeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to State Regulation 401 KAR 50:035, Permits, Section 6.

C. Reporting Requirements

1.
 - a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Owensboro Regional Office concerning startups, shutdowns, or malfunctions as follows:
 1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
 - b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Reporting Requirement condition 1 a) above) to the Division for Air Quality's Owensboro Regional Office.
2. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking, reissuing, or terminating this permit, or to determine compliance with this permit. [401 KAR 50:035, Section 7(2)(b)3e and 401 KAR Section 7(3)(j)]
3. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the Division's Owensboro Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.

SECTION C - GENERAL CONDITIONS (CONTINUED)

D. Inspections

1. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or an authorized representative to perform the following:
 - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
 - b. Have access to and copy, at reasonable times, any records required by the permit:
 1. During normal office hours, and
 2. During periods of an emergency when prompt access to records is essential to proper assessment by the Cabinet;
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
 1. During all hours of operation at the source,
 2. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 3. During an emergency; and
 - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
 1. During all hours of operation at the source,
 2. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 3. During an emergency.

E. Emergencies/Enforcement Provisions

1. The permittee shall not use as defense in an enforcement action, the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [401 KAR 50:035 Section 7(3)(e)]
2. Pursuant to State Regulation 401 KAR 50:035, Permits, Section 9, an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency if the notice met the requirement of State Regulation 401 KAR 50:035, Permits, Section 7(1)(e)2, and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.

SECTION C - GENERAL CONDITIONS (CONTINUED)

E. Emergencies/Enforcement Provisions Continued)

3. Emergency provisions listed in General Condition E.2 are in addition to any emergency or upset provision contained in an applicable requirement.
4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

F. Compliance

1. Permit Shield - Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements as of the date of the issuance of this permit.
2. Periodic testing or instrumental or non-instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:
 - a. Pursuant to State Regulation 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation at any time an affected facility for which the equipment and measures are designed is operated, except as provided by State Regulation 401 KAR 50:055, Section 1.
 - b. All the air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers. A log shall be kept of all routine and non routine maintenance performed on each control device.
3. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall annually complete and return a Compliance Certification Form (DEP 7007CC) to the Division's Owensboro Regional Office in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
 - e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date, or by January 30th of each year if calendar year reporting is approved by the regional office. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Owensboro Regional Office
3032 Alvey Park Drive W. Suite 700
Owensboro, KY 42303-2191

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601